

CILENTI & COOPER, PLLC

ATTORNEYS AT LAW

708 Third Avenue - 6<sup>th</sup> Floor  
New York, New York 10017

Telephone (212) 209-3933

Facsimile (212) 209-7102

Email: [info@cjcplaw.com](mailto:info@cjcplaw.com)

December 11, 2014

**Via ECF**

Honorable Andrew J. Peck  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Ronard Lora, et. al. v. J.V. Car Wash, Ltd., et. al.*  
Case No.: 11 Civ. 9010 (LLS)(AJP)

Dear Judge Peck,

We are counsel for opt-in plaintiff Victor Molina Rodriguez. Mr. Molina Rodriguez filed a consent to become a party plaintiff on October 22, 2014, and we filed a notice of appearance on his behalf the same day [Docket # 114, 115].

In the late afternoon yesterday (December 10<sup>th</sup>) we received correspondence from Daniel M. Stolz, Esq., counsel to bankruptcy trustee Donald V. Biase, stating that if Mr. Molina Rodriguez attends the December 23rd settlement conference, it would violate a bankruptcy stay, and counsel would seek preclusion or other sanctions. Our understanding had been that the bankruptcy stay was lifted for the instant action, and that the FLSA specifically allows "similarly situated" employees to opt-in, without the necessity of filing a separate action. However, if Mr. Molina's participation violates the bankruptcy code, we would respectfully ask the court to recommend that he be dismissed from the action. For the foregoing reasons, we ask Your Honor to schedule a brief telephone conference to address this issue in advance of the December 23rd settlement conference.

We thank the court for its consideration of this matter.

Respectfully submitted,



Peter H. Cooper

cc: All counsel of record (Via ECF)  
Daniel M. Stolz, Esq. ([dstolz@wjslaw.com](mailto:dstolz@wjslaw.com))